

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY


(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

REC'D 29 JUL 2005

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Applicant's or agent's file reference KLKE/41054		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/GB2004/003553		International filing date (day/month/year) 18.08.2004		Priority date (day/month/year) 19.08.2003
International Patent Classification (IPC) or national classification and IPC B24B9/14, B28D1/14, B24B13/00, B24B13/005, B23Q1/52				
Applicant BERKSHIRE OPHTHALMIC LABORATORIES LTD et al.				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 07.03.2005		Date of completion of this report 28.07.2005		
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Eder, R Telephone No. +49 89 2399- 7553		



**INTERNATIONAL PRELIMINARY REPORT
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International application No.
PCT/GB2004/003553

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):*

Description, Pages

1-14 as originally filed

Claims, Numbers

1-10 as originally filed

Drawings, Sheets

1/6-6/6 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/figs
- ☐ the sequence listing (*specify*):
- ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3,4,6,8,10
	No: Claims	1,2,5,7,9
Inventive step (IS)	Yes: Claims	8
	No: Claims	1-7,9,10
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Re Item V.

The following documents are referred to in this communication:

- D1 : US 6 572 451 B1 (FUJITA HAKARU ET AL) 3 June 2003 (2003-06-03)
D2 : US 2002/006764 A1 (DIEHL JOACHIM ET AL) 17 January 2002 (2002-01-17)
D3 : GB-A-1 208 943 (TEXTRON INC) 14 October 1970 (1970-10-14).

1 INDEPENDENT CLAIM 1

- 1.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
Document D1 discloses (the references in parenthesis applying to this document):

A jig (500,430,400) suitable for mounting one or more lenses on a two axes coordinate movement bed of a CNC machine suitable for machining one or more lenses (cf. Fig. 2, column 4 line 63 to column 5 line 13, column 7 line 46 to column 8 line 20) said jig comprising a carriage (430) having one or more lens holders (410) suitable for holding one or more lenses (100) said carriage (430) being rotatable about a first axis (1431) so as to be able to present one or more lenses to a tool of the machine, said lens being constrained to restrict rotation of the lens about an axis normal to the concave or convex surface of the one or more lenses (100).

Annotation: Since the object claimed is the jig as such, the features of the machine and the features of the lens holders are not restricting for the jig claimed. This applies equally to the dependent claims.

- 1.2 Furthermore the present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.
Document D2 discloses all the limiting technical features (see also the annotation under section 1.1).

2 DEPENDENT CLAIMS 2-7, 9, 10

Dependent claims 2-7, 9, 10 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the

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(SEPARATE SHEET)**

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PCT in respect of novelty (claims 1-5, 7, 9, 10) and inventive step (claim 6) in view of the documents D1 (claims 1, 2, 5, 7, 9), D2 (claims 1, 3, 4, 10) and D3 (claim 6).

3 DEPENDENT CLAIM 8

The combination of the features of dependent claim 8 is neither known from, nor rendered obvious by, the available prior art since the prior art lens jigs do not employ a second axis about which the base plate of the jig itself is tiltable in order to accelerate lens machining.